

FEDERAL COMMUNICATIONS COMMISSION

DA 00-1693

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. <u>99-293</u>
Table of Allotments,)	RM-9720
FM Broadcast Stations.)	RM-9721
(Canton and Saranac Lake, New York))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 19, 2000**Released: July 28, 2000**

By the Chief, Allocations Branch:

1. At the request of Radio Vermont Classics, LLC ("Radio Vermont"), licensee of Station WCVT, Channel 269A, Stowe, Vermont, and Radio Power, Inc. ("Radio Power"), licensee of Station WRCD, Channel 268A, Canton, New York, the Commission has before it the Notice of Proposed Rule Making, 14 FCC Rcd 16073 (1999), proposing the substitution of Channel 227A for vacant and unapplied for Channel 269A at Saranac Lake, New York, and the substitution of Channel 268C2 for Channel 268A at Canton, New York, as well as the modification of Station WRCD's license to specify operation on the higher powered channel. Comments were filed by Radio Vermont and Radio Power. No other comments were received.

2. Radio Vermont reiterates that the substitution of Channel 227A for Channel 269A at Saranac Lake could enable its Stowe Station WCVT to improve its service by increasing power from its present 3 kW to 6 kW. Radio Power also restates its position that the public interest would be served by substituting Channel 268C2 for Channel 268A at Canton since it could enable Station WRCD to expand its coverage area. Both Radio Vermont and Radio Power also contend that the public interest would be served by the substitution of channels at Saranac Lake because it would replace a channel limited to a power of 3 kW with one capable of full Class A facilities of 6 kW. Radio Power reiterates its intention to apply for Channel 268C2, if allotted to Canton.

3. Based on the record before us, we believe that the public interest would be served by substituting Channel 227A for Channel 269A at Saranac Lake since it could enable Station WCVT, Stowe, to operate with 6 kW Class A facilities, as well as enabling applicants for Channel 227A at Saranac Lake to specify 6 kW Class A facilities. In addition, we find the public interest would be served by substituting Channel 268C2 for Channel 268A at Canton, since it could provide Canton with an additional local wide coverage area service and enable Station WRCD to increase its service area. As proposed, we will also modify Station WRCD's license to specify operation on Channel 268C2 at Canton.

4. Channel 268C2 can be allotted to Canton in compliance with the Commission's minimum distance separation requirements, with respect to all domestic allotments, with a site restriction of 31.8

kilometers (19.8 miles) east of the community.¹ Use of this site restriction will still reflect a short-spacing to Stations CBOF, Channel 271A, Brockville, Ontario, and vacant Channel 270A at Cornwall, Ontario. Channel 227A can be allotted to Saranac Lake in compliance with the Commission's minimum distance separation requirements, with respect to all domestic allotments, without the imposition of a site restriction.² Channel 227A at Saranac Lake would be short-spaced to Station CBM-FM, Channel 228C1, Montreal, Quebec. Therefore, Canadian concurrence in these allotments, as specially negotiated short-spaced allotments, has been requested but has not yet been received. However, rather than delay any further the opportunity to file applications for the vacant channel at Saranac Lake, as well as applications to implement the channel change for Station WRCD at Canton, New York, and allow for maximum Class A facilities for Station WCVT, Stowe, Vermont, we will substitute Channel 227A for Channel 269A at Saranac Lake, and substitute Channel 268C2 for Channel 268A at Canton. If a construction permit is granted prior to the receipt of formal concurrence in the allotments by the Canadian Government, the construction permit will include the following condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without the right to hearing, if found by the Commission to be necessary in order to conform to the Canada-USA FM Broadcast Agreement or if specifically objected to by Industry Canada."

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective September 11, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:³

<u>City</u>	<u>Channel No.</u>
Canton, New York	268C2, 275C3
Saranac Lake, New York	227A, 292C3, 296A

6. A filing window for Channel 227A at Saranac Lake will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Radio Power, Inc., for Station WRCD, Canton, New York, IS MODIFIED to specify operation on Channel 268C2, in lieu of Channel 268A, subject to the following conditions:

¹ The coordinates for Channel 268C2 at Canton are 44-35-56 North Latitude and 74-46-24 West Longitude.

² The coordinates for Channel 227A at Saranac Lake are 44-19-48 North Latitude and 74-08-00 West Longitude.

³ Channel 275C3 was allotted to Canton pursuant to the Report and Order in MM Docket 99-362, DA 00-1694, released July 28, 2000.

(a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

8. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(m), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Radio Power, Inc., licensee of Station WRCD, is required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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Mass Media Bureau